IN THE HIGH COURT OF BOMBAY AT GOA

SUO MOTU (PIL) WRIT PETITION NO. 238 OF 2004.

Versus

1. Shri Arun Pandurang Goltekar.
2. Shri Sanjay Pandurang Goltekar.
3. Shri Vikas Pandurang Goltekar.
4. Nalini Shabi Goltekar.
5. Umesh Vithal Goltekar
   All residents of Sodiem,
   Siolim, Bardez, Goa.
6. Village Panchayat of Sodeim,
   Siolim.
7. The Town Planner,
   Office of the Town & Country
   Planning at Mapusa.
8. The Dy. Collector, North Goa,
   Mapusa. .... Respondents.

Shri S.D. Lotlikar, Senior Advocate with Shri R. Sardessai, Advocate for the Respondents No.1 to 5.

Shri N. Sardessai, Advocate for the Respondent No.6.

Shri M.B. D'Costa, Advocate General with Shri J.A. Lobo, Addl. Government Advocate for the Respondents No.7 and 8.

CORAM: A.P. LAVANDE &
N.A. BRITTO, JJ.

DATE: 18th APRIL, 2005.

O R D E R : (PER BRITTO, J.)

A petition received from the villagers of Siolim, complaining that unauthorized cutting of a hill and extraction of stones was going on from Survey Nos. 222/0, 223/0, 224/0, 225/0 and 299/0 was treated as

appeal and notices were issued to the concerned persons and to the concerned authorities. Since then respondent No.8 filed an affidavit dated 14.7.04 who, upon inspection, on 10.7.04 issued notices to respondents No.1 to 5 under Section 33 r/w Section 36 of the Goa, Daman and Diu Land Revenue Code, 1968 directing them to stop the cutting of the bill and to restore the land to its original use. Respondent No.7 has also filed an affidavit dated 12.7.04 stating that F.I.R. was lodged with Mapusa Police Station under Section 17-A of the Town and Country Planning Act on 12.7.04 by which the police was requested to forthwith stop the illegal cutting of the hill. Respondent No.7 filed another affidavit dated 18.1.05 stating that at present there was no hill cutting activity going on in Survey Nos. 223/0 and 225/0 and that the respondent No.7 has already accorded sanction to prosecute the accused under S.124 of the Town and Country Planning Act, 1974.

2. The respondent No.8 by another affidavit dated 17.1.05 has stated that he has passed an Order on 10.12.04 under Section 33 of the Goa, Daman and Diu Land Revenue Code 1968 for unauthorized change of use of land and under Section 36 of the Land Revenue Code, 1968 for unauthorized extraction of rubble stones.

3. Respondent No.1, by his affidavit dated 4.10.05 has stated that in

June, 2004 they have carried out extensive cashew plantation in Survey No.223/0 and 225/0 and in support of the same, respondent No.1 has placed some photographs on record. He has also stated that apart from cashew saplings, nilgiri and coconut saplings have also been planted and that they are also taking measures to fill up the excavation, if any, and restore the land to its original condition. He has further stated that the penalty of Rs.20,000/- has been paid.

4. Respondent No.7 by another affidavit dated 11.4.05 has stated that a charge sheet has already been filed after sanction was accorded by him.

5. Since appropriate action has been taken by the concerned authorities namely Respondents No.7 and 8 against Respondents No.1 to 5, and the grievances of the villagers of Siolim have been substantially redressed, no further action in this petition is called for. Consequently further proceedings are closed and the petition is disposed of.

A. P. LAVANDE, J.

N. A. BRITTO, J.

sl.